

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RACHEL FRIEM and
CODY HICKTON,

Plaintiffs,
vs.

CANON-McMILLAN SCHOOL DISTRICT,

Defendant

Civil Action No: 2:21-cv-1255

Electronically Filed

NOTICE OF REMOVAL

NOW COMES Defendant, Canon-McMillan School District, by and through its attorneys, Andrews & Price, LLC, and files the following Notice of Removal of the above-captioned action from the Court of Common Pleas of Washington County, PA, where it has been assigned docket number 2021-6088, to the United States District Court for the Western District of Pennsylvania, and in support thereof avers as follows:

1. This action was commenced in the Court of Common Pleas of Washington County, PA, by Complaint on September 10, 2021, at docket number 2021-6088 (See Ex. "B", Docket).

2. In the Complaint, Plaintiff alleges that that Plaintiff's children (who are students in the Canon-McMillan School District) were subjected to an illegal search and seizure of personal medical information and requiring their children to divulge their COVID-19 vaccination status by undergoing a medical examination in front of other students without first obtaining parental consent (See Ex. "A", Plaintiff's Complaint).

3. Pursuant to 28 U.S.C. §1441(c)(1)(A), a civil action is removable where that civil action includes a claim arising under the Constitution, laws, or treaties of the United States within

the meaning of 28 U.S.C. §1331 (Original Jurisdiction/Federal Question). 28 U.S.C. §1441(c)(1)(A).

4. Plaintiff's Complaint contains causes of action arising under the Constitution, laws, or treaties of the United States as set forth in 28 U.S.C. §1441(c)(1)(A), more specifically, claims pursuant to the Fourth Amendment of the United States Constitution. *See, generally*, Plaintiff's Complaint, Ex. A.

5. This Court has removal jurisdiction over this matter pursuant to 28 U.S.C. §1441(c)(1)(A) and 28 U.S.C. §1331.

6. This Notice of Removal is filed within 30 days after the Complaint was filed. The Complaint was the first paper from which it was ascertained that this action is one which is removable.

7. Accordingly, this notice of removal is timely pursuant to 28 U.S.C. §1446(b)(3).

8. Written notice of the filing of this Notice of Removal will be promptly served upon counsel for Plaintiff after the filing of the Notice with the United States District Court for the Western District of Pennsylvania.

9. A true and correct copy of this Notice of Removal will be filed with the Prothonotary of the Court of Common Pleas of Washington County, PA, promptly after the filing of the Notice with the United States District Court for the Western District of Pennsylvania, as is required by law.

10. By filing this Notice of Removal, Defendants do not waive any defense which may be available to these parties, including jurisdiction.

WHEREFORE, Defendant requests that this action proceed in this court as an action properly removed to it.

Respectfully, submitted,

ANDREWS & PRICE, LLC

September 17, 2021
(Date)

/s/ Joseph W. Cavrich
Joseph W. Cavrich, Esquire
Attorney for Defendant, Canon McMillan School District

1500 Ardmore Boulevard
Suite 506
Pittsburgh, PA 15221
(412) 243-9700 (phone)
(412) 243-9660 (fax)
jcavrich@andrewsandprice.com

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CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that a true and correct copy of the within NOTICE OF REMOVAL was sent to the following via USPS First Class Mail this 17th day of September, 2021:

Lane Turturice, Esq.
TURTURICE & ASSOC., LLC
70 E. Wheeling Street
Washington, PA 15301
lane@lmtlawyer.com

ANDREWS & PRICE, LLC

/s/ Joseph W. Cavrich
Joseph W. Cavrich, Esquire
Attorney for Defendant, Canon McMillan School District

1500 Ardmore Boulevard
Suite 506
Pittsburgh, PA 15221
(412) 243-9700 (phone)
(412) 243-9660 (fax)